

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STEVEN MARTIN ADAMS,

Plaintiff,

v.

Case No. 1:08-cv-1192

Hon. Robert J. Jonker

CALHOUN COUNTY  
CORRECTIONAL FACILITY, *et al.*,

Defendants.

\_\_\_\_\_/

**ORDER DENYING *IN FORMA PAUPERIS* STATUS ON APPEAL**

Plaintiff filed a § 1983 complaint while incarcerated as a prisoner in the Calhoun County Correctional Facility. He has been released from the facility and currently resides in Battle Creek. *See* docket no. 37. On March 9, 2010, the court dismissed certain claims raised in his complaint. *See* docket no. 36. Plaintiff filed a notice of an interlocutory appeal, which has been docketed as *Steven Martin Adams v. Calhoun County Correctional Facility*, No. 10-1521 (6th Cir.). *See* docket no. 38. On April 21, 2010, the court dismissed plaintiff's case in its entirety. *See* docket nos. 39 and 40. This matter is now before the court on plaintiff's "motion for pauper status" on appeal (docket no. 41) with respect to his interlocutory appeal. Plaintiff has not filed a notice of appeal from the court's order dismissing his action.

The current filing and docket fees for appealing a civil action are \$455.00. Because plaintiff has been released from his confinement at the correctional facility, he is not obligated to pay the filing fees for his appeal pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, §§ 801-10, 110 Stat. 1321. *See McGore v. Wrigglesworth*, 114 F.3d 601, 612-13 (6th Cir. 1997). Rather, plaintiff should be treated as a non-prisoner litigant seeking *in forma pauperis* status

on appeal. *Id.* To proceed *in forma pauperis* on appeal, plaintiff must comply with the requirements of Fed. Rule App. Proc. Rule 24(a)(1), which requires him to file both a motion for leave to proceed *in forma pauperis*, and an affidavit showing his inability to pay the required fees (in the detail prescribed by Form 4 of the Appendix of Forms), his belief that he is entitled to redress, and a statement of the issues he intends to present on appeal. Plaintiff has provided only part of this information, but it is enough to resolve his motion for pauper status.

In his affidavit, plaintiff states that he is not employed and has monthly expenses of \$315.00. *See* docket no. 41-2. Nevertheless, plaintiff lists the following assets: a 1989 Ford F-150 worth \$500,00; a checking account in the amount of \$26.00; and “other income” in the amount of \$5,736.00. Based on this latter information, the court finds that plaintiff has sufficient funds to pay the \$455.00 filing and docket fees required for an appeal. Accordingly, plaintiff’s motion to proceed *in forma pauperis* on appeal is **DENIED**.

**IT IS SO ORDERED.**

Dated: May 10, 2010

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE